

REMARKS

Claims 1-20 are pending in the present application. The Examiner has rejected claims 1-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Reconsideration of the application is respectfully requested in view of the following responsive remarks.

Rejection under 35 U.S.C. 112, first paragraph

The Examiner makes the assumption that the examples provided in the application are prophetic in nature, without any indication of such from the Applicant. Nothing in the examples as presented state or otherwise imply that they are prophetic. Additionally, the Examiner further suggests that such alleged prophetic examples in some way are failing to meet the requirements of 35 U.S.C. 112, first paragraph, because they fail to enable one skilled in the art to make or use the invention. The Applicant respectfully asserts that the burden of proof has not shifted from the Examiner merely because he asserts that the examples are prophetic in nature. The examples have sufficient detail to provide one skilled in the art an understanding of what the Applicant considers to be his invention. These examples provide specific dosing regimens that enable one of ordinary skill in the art to readily follow them without undue experimentation. In fact, the skilled person could follow the example exactly if he so chose.

The Examiner also contends that one of ordinary skill in the art would be required to perform undue experimentation because reducing the effects of Alzheimer's Dementia may occur up to 18 hours after dosing. It should be noted that this is a claim limitation, not a teaching to one of ordinary skill in the art. The examples provide sufficient specificity to allow such a skilled person to follow those methods that the inventor has chosen to include in the application.

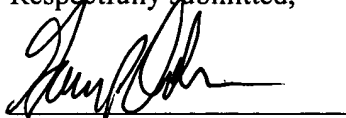
Additionally, it is the Applicant's assertion that a potential delay in the effects of a method should not be considered to be associated with a requirement for undue experimentation. It should be noted that many pharmaceutical formulations take much longer than 18 hours to produce a noticeable effect. The examples of the present application provide very specific dosing guidelines to enable one of ordinary skill in the art to understand the method without undue experimentations, regardless of timing issues that may arise regarding potential therapeutic effects.

In view of the foregoing, Applicant believes that claims 1-20 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone Gary Oakeson at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 1st day of November, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gary P. Oakeson', is written over a horizontal line.

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